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C O N F I D E N T I A L SECTION 01 OF 02 HARARE 000302

SIPDIS

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SUBJECT: INDEPENDENT MEDIA UNDER THREAT - ANZ HEARING  
POSTPONED, STUDIO 7 REPORTERS SACKED

REF: HARARE 223 AND PREVIOUS

Classified By: Political Officer Audu Besmer for reasons 1.5 b/d

1. (SBU) SUMMARY: The Supreme Court has postponed a hearing on The Daily News's (TDN) consolidated appeal, and the paper remains unpublished. Tension between management and journalists resulting from GOZ pressure on ANZ also may be hindering the paper's ability to publish. The GOZ has expanded its assault on independent journalists by pressuring other newspapers to fire stringers for VOA's Studio 7. END SUMMARY

Supreme Court Postpones TDN Hearing  
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2. (SBU) On February 18 the Media and Information Commission (MIC) and the Associated Newspapers of Zimbabwe (ANZ) consented to Chief Justice Godfrey Chidyausiku's proposal to postpone the Supreme Court hearing on The Daily News' consolidated appeal (Ref) until March 3. ANZ lawyer Mordecai Mahlangu said the hearing was to cover whether ANZ could challenge the constitutionality of the provision of the Access to Information and Protection of Privacy Act (AIPPA) requiring mass media companies to register; an appeal by MIC on whether it was in fact improperly constituted as the Administrative Court ruled in October 2003; and a confirmation that ANZ could exercise its right to publish per that ruling. The hearing was postponed because the Administrative Court failed to finalize documents normally used in a Supreme Court hearing. Mahlangu said the March 3 postponement was not unreasonable and both sides were pleased they would have additional time to prepare their arguments.

3. (SBU) On February 17 the High Court dismissed an urgent application by ANZ to have its journalists accredited by the MIC. Justice Alphas Chitakunye said the application was not urgent and should go through the normal channels. The rules under AIPPA say that the journalists should be allowed to work while waiting for their applications for accreditation to be considered. Fearing repercussions, however, and possible arrest without registration they have refused to work. Mahlangu said ANZ had not decided yet whether to pursue registering its journalists via normal channels.

Tension Between TDN Journalists and Management  
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4. (SBU) Insiders report that pay grievances between TDN journalists and ANZ management are now also contributing to TDN journalists' refusal to work. On January 26, TDN journalists struck, demanding higher transport allowances and a 1000 percent salary increase. The sit-in ended on January 27 after ANZ management agreed to a transport allowance rescue package of Z\$150,000 (US\$41) for January and February, and Z\$300,000 (US\$82) monthly thereafter for each employee. On or about February 11 a management crisis committee and a workers committee agreed to monthly incremental salary increases up to 960 percent by September. (Before the negotiations, a senior journalist at TDN earned a gross salary of Z\$300,000 (US\$82) monthly and took home about half that, whereas a senior journalist at the leading government paper, The Herald, earns a gross salary of Z\$2.4 million (US\$649) and takes home not less than Z\$1 million (US\$270).) Reportedly, TDN employees also blame ANZ's management and legal team for failing to register the organization and the journalists in the first place and steering the newspaper into this crisis.

Studio 7 Stringers Fired  
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5. (C) On February 16, The Herald fired sports editor Robson Sharuko, and journalists Tendai Ndemera and Rex Mphisa allegedly for writing for VOA's Studio 7. Sharuko said that when he was fired suspected Central Intelligence Office (CIO) agents accused him of being an enemy of the state and showed

him a list of Studio 7 stringers that included his name. Sharuko said that after he was fired he met with a CIO agent from his hometown who told him that there were plans underway to continue following and harassing him and that he would not be allowed to flee the country. Nevertheless, Sharuko successfully fled to South Africa on February 19. In October, the government-controlled daily "Chronicle" based in Bulawayo fired Sithandekile Mhlanga allegedly for working for Studio 7. Another stringer, Godfrey Maravanyika, was fired from the semi-independent weekly "The Financial Gazette" in November 2003. Maravanyika said the Department of Information and Publicity in the President's office and CIO are in possession of a list of most of the stringers contributing to Studio 7 and are putting pressure on their employers to fire them. Earlier this month The Herald published an article by Nathaniel Manheru, widely recognized to be a pseudonym for Minister of Information Jonathan Moyo, that named Maravanyika and other Studio 7 stringers and congratulated the Financial Gazette for firing Maravanyika.

Comment

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16. (C) Although both sides accepted the Supreme Court's postponement of the ANZ hearing, it plays into the government's hand by delaying decisions that would permit TDN to re-open. TDN's problematic labor situation is just the kind of symptom the GOZ intended to induce with its legalistic campaign to intimidate and harass TDN and its personnel.

17. (C) Comment continued. Whether or not MIC is declared improperly constituted by the Supreme Court, under AIPPA ANZ journalists should be able to work pending the outcome of their applications as journalists. However, the journalists have refused to work without licenses, and ANZ has not yet decided whether to pursue its journalists' licensing via normal channels. Licensing via normal channels is in itself a complicated issue as an Administrative Court ruled in October that MIC, the body which would license journalists, was improperly constituted. The root of TDN's problem continues to be an operating environment chilled by repressive laws and relentless government efforts to bleed the paper out of existence.

SULLIVAN